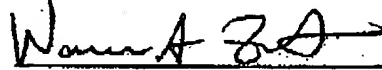


SEP 30 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**

This is to certify that this document entitled APPEAL BRIEF is being faxed to the Commissioner for Patents / Examiner Drew E. BECKER at fax no. 703-872-9306 this 30<sup>th</sup> day of September, 2004.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|              |   |                 |                       |
|--------------|---|-----------------|-----------------------|
| Appl. No.    | : | 09/976,377      | Confirmation No. 9750 |
| Applicants   | : | MURRAY et al.   |                       |
| Filed        | : | 10/21/2001      |                       |
| TC/A.U.      | : | 1761            |                       |
| Examiner     | : | BECKER, Drew E. |                       |
| Docket No.   | : | KFHI-100        |                       |
| Customer No. | : | 23290           |                       |

**APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the following Appeal Brief in accordance with 37 C.F.R. 41.37 together with the fee set forth in 37 CFR 41.20(b).

This Appeal is from a final Office Action dated May 11, 2004, finally rejecting Claims 21-40 and 59. No claims are allowed.

**I. REAL PARTY IN INTEREST**

The real party in interest is Kraft Foods Holdings, Inc. by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012605, Frame 0106.

**BEST AVAILABLE COPY**

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